

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**NORFOLK SOUTHERN RAILWAY
COMPANY,**

Plaintiff

vs.

ABC-NACO, INC.,

Defendant

**CIVIL ACTION NO. 1:01-CV-
704**
Judge Christopher C. Conner


STATUS REPORT

The Plaintiff Norfolk Southern Railway Company ("Norfolk Southern") understands that the Chapter 11 Bankruptcy of the Defendant, Debtor ABC-NACO, Inc. is still pending in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, No.01 B 36484. In order to protect its interests and reserve its rights to the amounts at issue in this litigation, Norfolk Southern does not consent to a voluntary dismissal of this action. Norfolk Southern cannot simply rely on the representations of opposing counsel and release its rights to this litigation, even without prejudice, as the claims are now outside the statutory period.

Respectfully submitted:

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By:


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